

UNITED STATES DISTRICT COURT

for the

District of Montana

United States of America

v.

Dwain Francis Balch

Case No: CR 23-01-GF-BMM

USM No: 39376-510

Date of Original Judgment: 02/29/2024

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of _____ months **is reduced to** _____ .
(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)

Defendant seeks a sentence reduction under the retroactive application to the criminal history rules in Part B, subpart 1 of Amendment 821 to the United States Sentencing Guidelines. (See Doc. 66.) Defendant is ineligible.

Defendant was sentenced on February 29, 2024, under the 2023 Guidelines Manual incorporating all amendments, including Parts A and B, subpart 1 of Amendment 821. (PSR ¶ 20 (citing USSG §1B1.11).) Additionally, although Defendant had a criminal history score of zero, he possessed a firearm in connection with the offense, thus was ineligible for an adjustment under subpart B. (PSR ¶ 22.) Accordingly, Defendant's motion is denied.

Except as otherwise provided, all provisions of the judgment dated _____ shall remain in effect.

IT IS SO ORDERED.

Order Date: 05/29/2024



Judge's signature

Effective Date: _____
(if different from order date)

Brian Morris, Chief United States District Judge

Printed name and title